

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE ENROLLED ACT No. 376

AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-8.1-5.1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under IC 25-22.5 or the law of another state.**

SECTION 2. IC 20-8.1-5.1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. (a) Discipline rules adopted under section 7 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 8(b) of this chapter if the following conditions are met:**

- (1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).**
- (2) A physician states in writing that:**
  - (A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;**
  - (B) the student has been instructed in how to**



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self-administer the medication; and

(C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed with a student's principal annually.

SECTION 3. IC 20-8.1-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "bomb" has the meaning set forth in IC 35-41-1-4.3.

(c) As used in this section, "deadly weapon" has the meaning set forth in IC 35-41-1-8. The term does not include a firearm or bomb.

(~~e~~) (d) Notwithstanding section 14 of this chapter, a student who is:

(1) identified as bringing a firearm or bomb to school or on school property; or

(2) in possession of a firearm or bomb on school property;

must be expelled for a period of at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(~~d~~) (e) The superintendent may, on a case-by-case basis, modify the period of expulsion under subsection (~~e~~) (d) for a student who is expelled under this section.

(~~e~~) (f) Notwithstanding section 14 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for a period of not more than one (1) calendar year.

(~~f~~) (g) A superintendent or the superintendent's designee shall immediately notify the prosecuting attorney of the county in which appropriate law enforcement agency having jurisdiction over the property where the school is located if a student is expelled under engages in a behavior described in subsection (~~e~~) or (~~e~~) (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the prosecuting attorney law enforcement agency shall begin an investigation and take appropriate action.

(~~g~~) (h) A student with disabilities (as defined in IC 20-1-6.1-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 4. IC 20-8.1-7-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) This section does not apply to medication



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possessed by a student for self-administration under IC 20-8.1-5.1-7.5.

(b) Except as provided in subsection (d), a school corporation may not send home with a student medication that is possessed by a school for administration during school hours or at school functions.

(c) Medication that is possessed by a school for administration during school hours or at school functions for a student in grades kindergarten through grade 8 may be released only to:

- (1) the student's parent; or
- (2) an individual who is:
  - (A) at least eighteen (18) years of age; and
  - (B) designated in writing by the student's parent to receive the medication.

(d) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student in grades 9 through 12 if the student's parent provides written permission for the student to receive the medication.

SECTION 5. IC 34-30-14-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. A school or school board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition as provided under IC 20-8.1-5.1-7.5 except for an act or omission amounting to gross negligence or willful and wanton misconduct.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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